

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Examine the
Commission's Future Energy Efficiency Policies,
Administration and Programs.

Rulemaking 01-08-028
(Filed August 23, 2001)

**ADMINISTRATIVE LAW JUDGE'S SECOND RULING REGARDING
EVALUATION, MEASUREMENT AND VERIFICATION OF
LOCAL ENERGY EFFICIENCY PROGRAMS:**

REQUEST FOR QUALIFICATIONS

Summary

In Decision (D.) 02-05-046, the Commission delegated to me the authority to issue a Ruling related to the selection of Evaluation, Measurement and Verification (EM&V) Contractors to evaluate the performance of 2002-03 third party local energy efficiency programs. On June 17, 2002, I issued a ruling asking parties awarded local energy efficiency funding for 2002-03 to submit lists of potential independent evaluators, and asking potential evaluators to submit their qualifications and evidence of their independence.

This ruling supplements my earlier ruling by distributing notice of the EM&V opportunity to a broader list of potential evaluators. In all other respects, it mirrors the June 17, 2002 ruling. Parties who responded to that ruling need not respond to this one.

Development of EM&V Contractor List

D.02-05-046 provides the following with regard to local program EM&V:

We require that independent third parties not affiliated with the program provider evaluate local programs and measure

and verify local programs' claimed energy savings and measures installations. Parties shall report their plans in this regard in their Program Implementation Plans.

The Commission through the assigned ALJ will select entities that can provide EM&V services for local programs. The ALJ will clarify the process for selection of these EM&V contractors for local programs in a future ruling.¹

In order to ensure that the parties evaluating 2002-03 local energy efficiency programs are independent, I now circulate this request to a broader audience. I ask any potential EM&V Contractor interested in providing EM&V services for any local energy efficiency program the Commission funded for 2002-03 to submit its qualifications for consideration within 15 days of this Ruling's mailing. Such Contractors shall furnish responses to all of the following bulleted items, and also provide a statement of qualifications, describe the Contractor's areas of expertise, identify any potential conflict of interest (including being a 2002-03 local program provider), and furnish a firm resume and resumes for all persons who will supervise work on an EM&V project.

- Identification of the Recipient(s) and local energy efficiency programs for which the Contractor proposes to perform EM&V services;
- An explanation of why the Contractor is independent of Recipient;
- A list of all work the Contractor has done with or for the Recipient;
- An explanation of any factor that might lead a reasonable person to question whether the Contractor is actually independent of the Recipient;

¹ D.02-05-046, *mimeo.*, at 34.

- A description of any reason why the Commission might not select the Contractor (*e.g.*, Contractor's outstanding state tax liens, present or former bankruptcy, pending civil or criminal litigation or other proceedings, license suspensions or other similar actions, or criminal convictions).

Within 22 days of this Ruling's mailing, any party may comment on a Contractor's submission. The Commission seeks contractors who are truly independent of the energy efficiency programs they will evaluate.

Once I receive the foregoing information and comments, I will consult with the Energy Division, and use the submissions received in response to the June 17, 2002 ruling and this one, to develop the list of EM&V Contractors to evaluate each 2002-03 local program.

IT IS ORDERED that:

1. Within 15 days of this Ruling's mailing, any potential EM&V Contractor interested in providing EM&V services for local energy efficiency programs the Commission funded for 2002-03 may file and serve the foregoing required information. No party who responded to my June 17, 2002 ruling need resubmit its information.

2. Within 22 days of this Ruling's mailing, parties may file and serve comments on the information filed pursuant to ordering paragraphs 1 and 2.

3. "File" means that the document is received by the Commission's Docket Office on or before the due date. The Commission's Docket Office is at: 505 Van Ness Avenue, Room 2001, San Francisco, CA 94102.

4. "Serve" means that the document is e-mailed to the e-mail service list for this proceeding on or before the due date, and, in addition, mailed in hard copy to the assigned Administrative Law Judge. The service list is available at http://www.cpuc.ca.gov/published/service_lists/R0108028_30587.htm. Click

on the link, then click on “Download the Comma-delimited File.” Copy and paste column D (a list of e-mail addresses) from that file into an e-mail message. Sarah R. Thomas’ address is: 505 Van Ness Avenue, Room 5105, San Francisco, CA 94102, telephone #(415) 703-2310. For questions on how to obtain the service list, the format to use for filing, and other procedural matters, contact the Commission’s Public Advisor at (415) 703-2074.

Dated September 13, 2002, at San Francisco, California.

/s/ SARAH R. THOMAS

Sarah R. Thomas
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Second Ruling Regarding Evaluation, Measurement and Verification of Local Energy Efficiency Programs: Request for Qualifications on all parties of record in this proceeding or their attorneys of record.

Dated September 13, 2002, at San Francisco, California.

/s/ TERESITA C. GALLARDO

Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.